



6-1

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

*Promoting the wise use of land
Helping build great communities*

| | | | | | | | |
|---|---|--|---|--------------------|-------------------|--------------------|-------------------|
| MEETING DATE November 7, 2005 LOCAL EFFECTIVE DATE November 21, 2005 APPROX FINAL EFFECTIVE DATE December 12, 2005 | CONTACT/PHONE Martha Neder, AICP, Planner 805-781-4576 | APPLICANT Clyde Warren | FILE NO. COAL 04-0587/ SUB2004-00218 | | | | |
| SUBJECT Request by Clyde Warren for a Lot Line Adjustment to adjust the lot lines between two parcels of approximately 319 and .1 acres each. The adjustment will result in two parcels of 318 and 1.1 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture and Recreation land use categories and is located at 1022 San Simeon Creek Road north of the community of Cambria. The site is in the North Coast planning area | | | | | | | |
| RECOMMENDED ACTION Approve Lot Line Adjustment COAL 04-0587 based on the findings listed in Exhibit A and the conditions listed in Exhibit B | | | | | | | |
| ENVIRONMENTAL DETERMINATION A Class 5 Categorical Exemption was issued on October 4, 2005. | | | | | | | |
| LAND USE CATEGORY AG, REC | COMBINING DESIGNATION GS, LCP, SRV | ASSESSOR PARCEL NUMBER 013-061-009, 010, & 011 | SUPERVISOR DISTRICT 2 | | | | |
| PLANNING AREA STANDARDS: None applicable | | | | | | | |
| LAND USE ORDINANCE STANDARDS: Non applicable | | | | | | | |
| EXISTING USES: Four single family residences, storage, pottery production, former landfill | | | | | | | |
| SURROUNDING LAND USE CATEGORIES AND USES: <table style="width: 100%;"><tr><td style="width: 50%;">North: Agriculture</td><td style="width: 50%;">East: Agriculture</td></tr><tr><td>South: Agriculture</td><td>West: Agriculture</td></tr></table> | | | | North: Agriculture | East: Agriculture | South: Agriculture | West: Agriculture |
| North: Agriculture | East: Agriculture | | | | | | |
| South: Agriculture | West: Agriculture | | | | | | |
| FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process. | | | | | | | |
| <small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small> | | | | | | | |

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| | |
|---|--|
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Environmental Health, Ag Commissioner, Cambria Fire, Cambria Community Services District, APCD, RWQCB, California Coastal Commission | |
| TOPOGRAPHY: Nearly level to steeply sloping | VEGETATION: Grasses, forbs, riparian, disturbed |
| PROPOSED SERVICES: Water supply: On-site and off-site wells Sewage Disposal: Individual septic system Fire Protection: CDF, Cambria Fire | ACCEPTANCE DATE: October 4, 2005 |

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

| EXISTING LOT SIZES (ACRES) | ADJUSTED PARCEL SIZES (ACRES) |
|----------------------------|-------------------------------|
| .1 | 1.1 |
| 319 | 318 |

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to conform to the minimum site area required for a residential single family residence where a well and septic system are to be located on a single lot. The proposed lot line adjustment will not increase development potential because one single family residence exists on the smaller parcel. The increased size will not allow additional dwelling units. Three single family residences located on the larger parcel were established prior to permit requirements and are considered legal-nonconforming uses.

The County Department of Agriculture reviewed the proposed adjustment and found it to be equal to the existing configuration subject to conditions (Please see the attached memo from the County Department of Agriculture). These conditions are included in Exhibit B.

An old school house currently used as a single family residence is located on the .1 acre parcel. A historic resource evaluation of the school found it to be potentially significant. However, the proposed adjustment will not interfere with the buildings significance as long as any future proposed development is outside of the current boundaries of the .1 acre parcel or the school is relocated. These conditions are included in Exhibit B.

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SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcel sizes are below minimum parcel size as set through the General Plan and will remain so after the adjustment, staff has concluded that the adjustment is consistent with both state and local law.

COASTAL PLAN POLICIES:

Environmentally Sensitive Habitats

Policy 5: Protection of Environmentally Sensitive Habitats, Policy 18: Coastal Streams and Riparian Vegetation, Policy 25: Buffer Zone for Riparian Habitats. *The area subject to the adjustment is located more than 100 feet from any sensitive habitat and the adjustment will not increase development potential on the site.*

Agriculture

Policy 1: Maintaining Agricultural Lands: *The adjustment does not affect existing or potential agriculture capability and does not increase development potential.*

Visual and Scenic Resources

Policy 4: New Development in Rural Areas: *The adjustment does not increase development potential.*

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

LEGAL LOT STATUS:

Existing parcel 1 was legalized through a recordation of a certificate of compliance. Existing parcel 2 was legalized through recordation of a lot merger.

FINDINGS - EXHIBIT A

Environmental Determination

- A. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15303 because it has been determined that there will not be a significant effect to the environment as a result of this project.

Lot Line Adjustment

- B. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will result in the reconfiguration of the two parcels to conform to the minimum site area required for a residential single family residence where a well and septic system are to be located on a single lot. The proposed lot line adjustment will not increase development potential.
- C. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- D. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.

Coastal Access

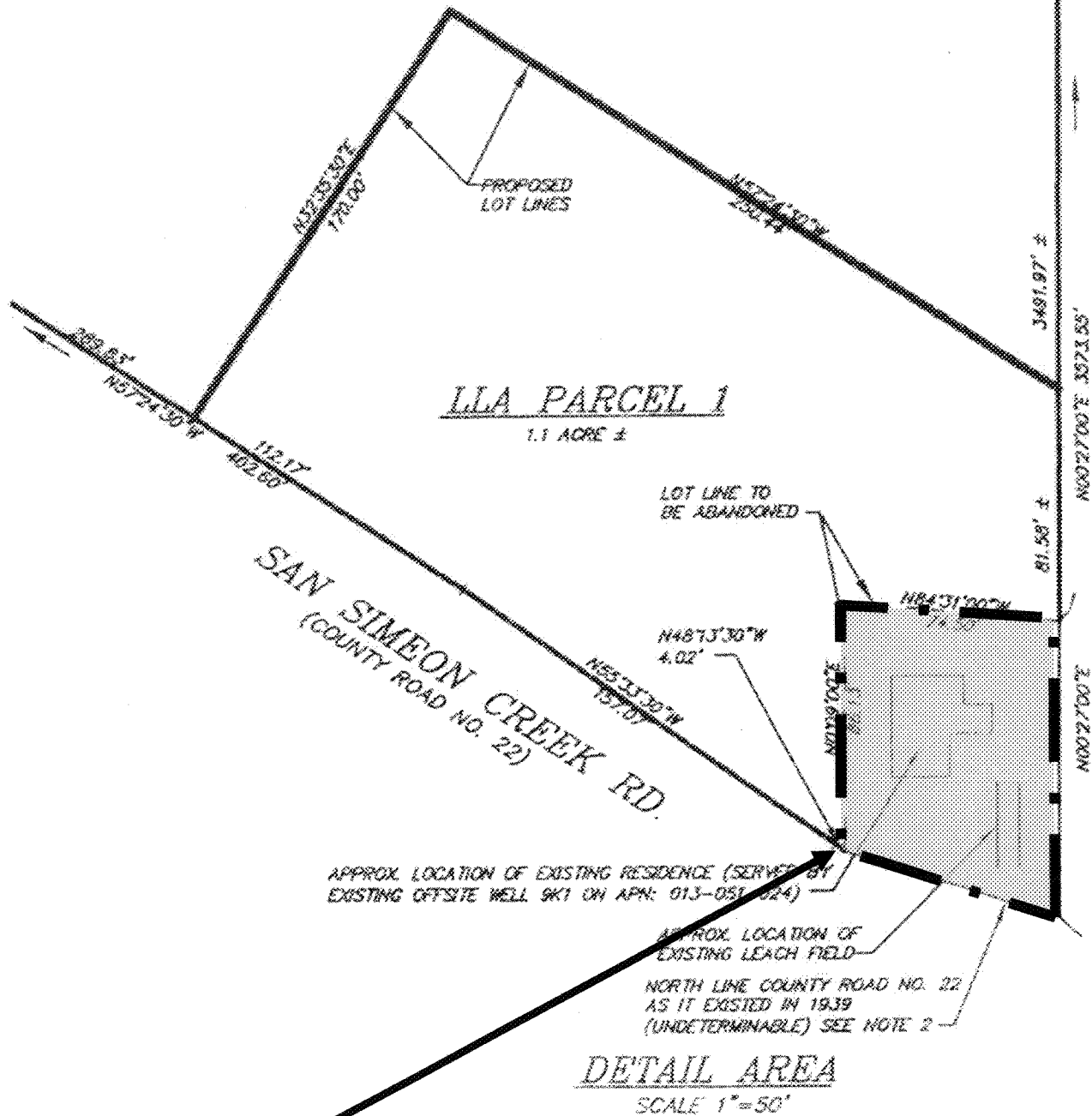
- E. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. **Prior to recordation of the map or certificates of compliance which effectuate the adjustment,** the applicant shall remove or bond for the removal all unpermitted uses, including but not limited to portable bathroom storage and pottery production.

11. **Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment**, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:
 - a. An agricultural buffer prohibiting residential structures, consisting of 100 feet along the entire length of the eastern property line, 75 foot buffers on the western and northern property lines, and a 50 foot buffer on the southern property line of Parcel 1 shall be shown on future construction permit application plans. This buffer shall be for residential structures only. At the time of application for construction permits, the applicant shall clearly delineate the agricultural buffer on the project plans.
 - b. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - c. A limitation on development which does not allow any uses in the Transient Lodging Use Group of Coastal Table 'O' on Parcel 1.
12. **At the time of application for construction permits for each parcel**, the applicant shall clearly delineate the building site(s) and/or building control line(s) on the project plans. All new development (e.g. residences, detached garages, guest houses, and sheds) shall be completely located outside the current boundaries of the .1 acre parcel (as shown on the attached Exhibit C: Development Prohibition Area) unless the school is relocated.

LLA PARCEL 2



All new development shall be completely located outside this area (the current boundaries of the .1 acre parcel) unless the school is relocated.

PROJECT

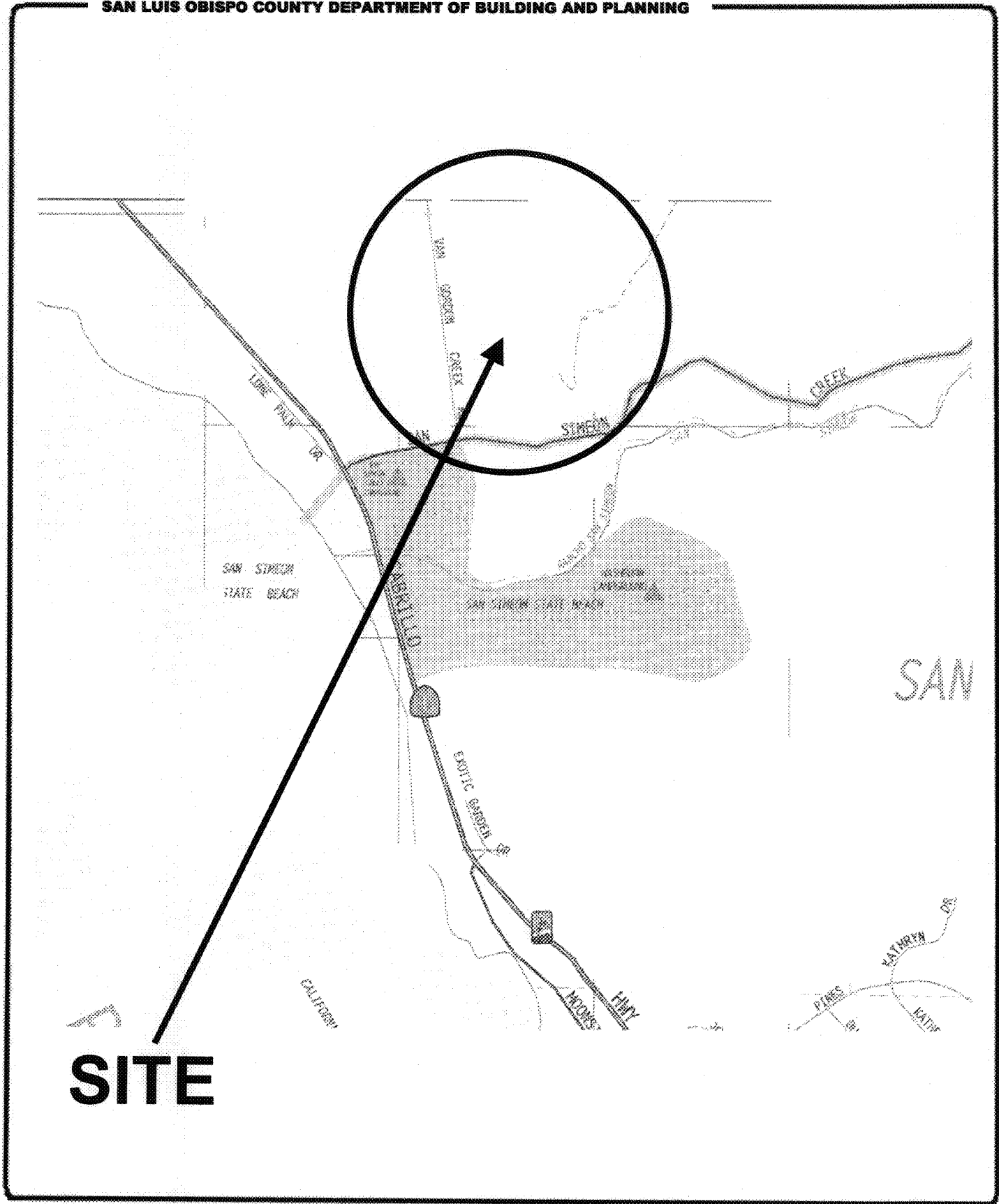
Lot Line Adjustment
Warren SUB2004-00218



EXHIBIT

Exhibit C: New Development Prohibition Area

6-8



SITE

PROJECT

Lot Line Adjustment
Warren SUB2004-00218



EXHIBIT

Vicinity



Land Use Category



Proposed Lot Line Adjustment



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Masurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

ROBERT F. LILLEY

AGRICULTURAL COMMISSIONER/SEALER

RECEIVED
SEP 14 2005
S.L.O. CO. PLANNING DEPT.
(805) 781-5910

FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: September 13, 2005

TO: Martha Neder, Coastal Planning Team

FROM: Michael J. Isensee, Agricultural Resource Specialist, 781-5753

SUBJECT: Warren LLA Sub2004-00218 Ag Dept #0990

The County Department of Agriculture finds that the proposed lot line adjustment (LLA) adjustment is *equal to* the existing configuration of the lot lines with the incorporation of the identified mitigation. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

Recommended Mitigation

1) Agricultural buffers

Placement of a 100-foot buffer on the east, 75-foot buffers on the west and north and a 50-foot buffer on the south portion of the proposed parcel 1. These buffers are based on adjoining rangeland use and the existence of a field approximately 120 feet to the southeast of parcel 1 that has been utilized for both dry-farmed and irrigated crop production. Agricultural buffers are for future residential development on the property and do not limit accessory structures or outdoor use of the property within the buffer distance.

2) Development limitations

Limit development on proposed parcel 1 to a single residence and no water consumptive accessory uses such as overnight accommodation, maximizing the protection of water resources in the area for agricultural uses and limiting potential conflicts due to the limited size of parcel 1.

3) Right to farm

Right to Farm notification to all successors in interest of the parcels involved in the LLA.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

PROJECT DESCRIPTION AND SETTING

The applicant proposes to reconfigure two existing parcels of approximately 318 and 0.10 acres to create parcels of approximately 318 and 1 acres. The proposed LLA is located on the north side of San Simeon Creek Road and involves APNs 013-061-011 (parcel 1) and 013-062-001 (parcel 2). The former is a 4300 square foot antiquated lot that was created for a rural schoolhouse. The schoolhouse still exists on the site and is apparently being utilized as a residence. The large parcel has a variety of apparent uses including multiple residences, an equestrian center, a large hilltop barn, mining, heavy equipment storage, and the stockpiling of graded materials.

All surrounding parcels are zoned *Agriculture*, although San Simeon State Park, zoned *Recreation*, is in close proximity to the south of the property. Several adjacent properties are under Williamson Act contract and other are protected with conservation easements. The subject properties are zoned *Agriculture*, although an approximately 30-acre portion of parcel 2 is zoned *Recreation*. The property immediately to the south is owned by the Cambria Community Services District and is the site of various municipal water wells.

AGRICULTURAL INFORMATION

Grazing appears to occur on parcel 2 but no intensified agricultural operations exist on the project site. Row crop production has occurred on portions of parcel 2 in the past, but not in the last decade.

Several adjoining properties are utilized for various agricultural activities. The nearest intensified agriculture occurs approximately 120 feet to the southeast of parcel 1 on a 2.5 acre field. However, agricultural activities occur on essentially all of the surrounding properties. Properties to the west are actively grazed, a large avocado operation exists to the north, and properties to the east and southeast are grazed and have fields that are utilized for the production of hay and irrigated row crops.

The soils at the project site are diverse and include over 50 acres of prime soil, 60 acres of statewide important soil, and 200 acres of lower quality Class VI and VII soils.

Warren LLA Site Soils

| CODE | SOIL NAME | SLOPE | IRR | NONIRR | PRIME | ACRES |
|------------------------------|-------------------------|-------|------|--------|-------|-------|
| 197 | SALINAS SILTY CLAY LOAM | 0-2 | I | III | Prime | 36 |
| 198 | SALINAS SILTY CLAY LOAM | 2-9 | II | III | Prime | 15 |
| 120 | CONCEPCION LOAM | 2-5 | III | III | State | 30 |
| 158 | LOS OSOS LOAM | 5-9 | III | III | State | 34 |
| 132 | DIABLO AND CIBO CLAYS | 30-50 | VI | VI | | <1 |
| 133 | DIABLO-LODO COMPLEX | 15-50 | VI | VI | | 64 |
| 160 | LOS OSOS LOAM | 15-30 | VI | VI | | <1 |
| 164 | LOS OSOS-DIABLO COMPLEX | 15-30 | VI | VI | | 84 |
| 142 | GAVIOTA FINE SANDY LOAM | 15-50 | VII | VII | | 7 |
| 141 | GAVIOTA SANDY LOAM | 50-75 | VII | VII | | <1 |
| 161 | LOS OSOS LOAM | 30-50 | VII | VII | | 23 |
| 165 | LOS OSOS-DIABLO COMPLEX | 30-50 | VII | VII | | 25 |
| 194 | RIVERWASH | NA | VIII | VIII | | 2 |
| TOTAL (acreages approximate) | | | | | | 321 |

PROJECT ANALYSIS

The Agriculture Department considers several factors when evaluating LLAs.

- Configuration of the property lines

The proposed configuration of the property lines will remove approximately 1 acre from the 318+/- acre site in order to create a residential parcel with the intent of supporting both a well and septic system on this parcel (parcel 1). The proposed parcel 1 will continue to occupy a corner of the existing large parcel. With agricultural buffers, parcel 1 is both located and configured in a way as to minimize conflicts with current or future agricultural production on adjoining properties and is *equal to or a minor improvement* over the existing configuration.

- Presence of agriculturally productive soils

The current parcel 1 consists of approximately equal portions of 164 *Los Osos Diablo Complex* and 194 *Riverwash*. The proposal to expand this parcel will create a parcel of approximately 0.6 acres of 164 and 0.4 acres of 194 soils. These soils are not prime or typically utilized for intensified agricultural production. The transfer of approximately one-half acre of such soil from the 318-site should have no impact on the future agricultural capability of parcel 2 for rangeland or other purposes. The proposed LLA is *equal to* the current configuration in this respect.

- Eligibility of the resulting parcels for agricultural preserve contracts

Proposed parcel 2 could qualify for a Land Conservation Act contract in either its current or proposed configuration if the uses on the parcel were found to be in compliance with the County Rules of Procedure. Proposed parcel 1 does not and would not qualify. The proposed LLA is *equal to* the existing configuration in this respect.

- Other issues creating incompatibility with agriculture

The proposal does not increase the number of residences allowed on the property. The property should be limited to a single residence and no water consumptive accessory uses should be allowed in order to protect the area's water resources for agricultural uses as per AG policy 11. The proposed LLA is *equal to* the existing configuration in this respect.

In all aspects, the proposal is equal to the existing property configuration, and may be a marginal improvement since any future development would have some distance separation from adjoining agricultural uses, increasing the likelihood of long-term compatibility.

RECOMMENDED MITIGATION

The Agriculture Department recommends the following mitigation:

- 1) Placement of a 100-foot buffer on the east, 75-foot buffers on the west and north and a 50-foot buffer on the south portion of the proposed parcel 1. These agricultural buffers are based on adjoining rangeland use and the existence of a field approximately 120 feet to the southeast of parcel 1 that is utilized for both dry-farmed and irrigated crop production. Buffers apply to future residential development and do not restrict other appropriate uses that do not include human occupancy.
- 2) Limit development on proposed parcel 1 to a single residence and no water consumptive accessory uses, such as overnight accommodation, in order to maximize protection of water resources in the area for agricultural uses.
- 3) Right to farm notification be provided to all successors in interest of the parcels involved in the LLA.



6-14th

MUN

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

1/7/04

TO:

Env. Health

FROM:

Coastal Team:
(Please direct response to the above)

WARREN

SUB 2004-00218

Project Name and Number

Development Review Section (Phone: 788-2009)

*OR ASK THE SWITCH-BOARD FOR THE PLANNING

PROJECT DESCRIPTION:

COAL-04-0587. LLA to increase the size of the parcel containing the school house, to 1 acre, to allow for a well accepted under zoning-codes. 319 Acres. APN: 013-061-009, 010, 011. East of Hwy. 1. off San Simeon Crk. Rd. W/in LCP.

Return this letter with your comments attached no later than:

1/21/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES (Please go on to Part II)

NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Since the parcel is increasing, Environmental Health has no concerns at this time

Date

1/20/05

Name

L. Salo

Phone

781-5351



ML:

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

JAN 10 2005

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

1/7/04

FROM

PW

WARREN

FROM
TO

Coastal Team:

(Please direct response to the above)

SUB2004-00218

Project Name and Number

Development Review Section (Phone:

- 788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION:

COAL-04-0587. LLA to increase
the size of the parcel containing the school house, to
1 acre, to allow for a well accepted under zoning-
codes. 319 Acres. APN: 013-061-009, 010, 011. East of Hwy. 1.
off San Simeon Crk. Rd. W/in LCP.

Return this letter with your comments attached no later than:

1/21/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which
we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF
REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to
reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of
approval you recommend to be incorporated into the project's approval, or state reasons for
recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Recommend Approval - No Concerns

20 JAN 2005
Date

Goodman
Name

5252
Phone